

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

No. 12-mc-115 (JSR)

In re:

MADOFF SECURITIES

PERTAINS TO THE FOLLOWING CASE:

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

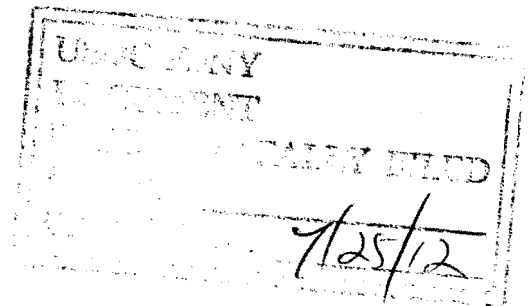
v.

IDA FISHMAN REVOCABLE TRUST, et al.,

Defendants.

Civil Action No. 11-cv-7603 (JSR)

(Consolidated)



**[PROPOSED] ORDER GRANTING THE MOTION  
FOR AN ORDER DIRECTING THE CLERK OF COURT  
TO CORRECT AND/OR SUPPLEMENT THE RECORD ON APPEAL  
TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**

**THIS MATTER** having been brought before the Court upon the motion of Baker & Hostetler LLP, attorneys for Irving H. Picard, as trustee (the "Trustee") for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.* ("SIPA"), and the estate of Bernard L. Madoff, for the entry of an order directing the Clerk of Court to correct and/or



supplement the record on appeal to the United States Court of Appeals for the Second Circuit; and counsel for the Securities Investor Protection Corporation having no objection to the motion, and counsel for the defendants in the matters listed on Exhibit A hereto (collectively, the “Consolidated Matters”) and the Securities Investor Protection Corporation having no objection to the requested relief as granted by this Order; and for good cause shown;

**IT IS ORDERED** that the Trustee’s motion is granted in its entirety, and the record on appeal is hereby supplemented and/or corrected to include the dockets and papers from all of the Consolidated Matters (collectively, the “Appeal Records”), *provided that* this Order shall not affect or impair the substantive rights of any of the parties in the Consolidated Matters; and

**IT IS FURTHER ORDERED** that the Clerk of Court is hereby directed promptly to forward to the United States Court of Appeals for the Second Circuit any and all Appeal Records for the Consolidated Matters.

Dated: New York, New York  
July 24, 2012

  
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JED S. RAKOFF, U.S.D.J.



**EXHIBIT A**



**EXHIBIT A**

<i>Picard v. James Greiff</i>	11-cv-03775-JSR
<i>Picard v. Gerald Blumenthal</i>	11-cv-04293-JSR
<i>Picard v. Gary Albert, individually and his capacity as shareholder of Impact Designs Ltd.</i>	11-cv-04390-JSR
<i>Picard v. Aspen Fine Arts Co.</i>	11-cv-04391-JSR
<i>Picard v. The Aspen Company and Harold Thau</i>	11-cv-04400-JSR
<i>Picard v. Jan Marcus Capper</i>	11-cv-04389-JSR
<i>Picard v. Norton Eisenberg</i>	11-cv-04388-JSR
<i>Picard v. P. Charles Gabriele</i>	11-cv-04481-JSR
<i>Picard v. Stephen R. Goldenberg</i>	11-cv-04483-JSR
<i>Picard v. Ruth E. Goldstein</i>	11-cv-04371-JSR
<i>Picard v. Harnick Bros. Partnership and Gary Harnick individually and as general partners of The Harnick Brothers Partnership</i>	11-cv-04729-JSR
<i>Picard v. John Denver Concerts, Inc. Pension Plan Trust and Harold Thau as the Trustee</i>	11-cv-04387-JSR
<i>Picard v. Anita Karimian</i>	11-cv-04368-JSR
<i>Picard v. Lester Kolodny</i>	11-cv-04502-JSR
<i>Picard v. Laurence Leif</i>	11-cv-04392-JSR
<i>Picard v. Steven V. Marcus Separate Property of the Marcus Family Trust; The Marcus Family Limited Partnership; Steven V. Marcus, individually and in his capacity as Trustee of the Steven V. Marcus Separate Property of the Marcus Family Trust, General Partner of the Marcus Family Limited Partnership and Guardian of O.M., K.M. and H.M.; and Denise C. Marcus, in her capacity as Trustee of the Steven .V Marcus Separate Property of the Marcus Family Trust</i>	11-cv-04504-JSR
<i>Picard v. Trust U/W/O Harriette Myers</i>	11-cv-04397-JSR
<i>Picard v. Robert Potamkin and Alan Potamkin</i>	11-cv-04401-JSR
<i>Picard v. Potamkin Family Foundation, Inc.</i>	11-cv-04398-JSR
<i>Picard v. Delia Gail Rosenberg and Estate of Ira S. Rosenberg</i>	11-cv-04482-JSR
<i>Picard v. Miriam Ross</i>	11-cv-04480-JSR
<i>Picard v. Leon Ross</i>	11-cv-04479-JSR
<i>Picard v. Richard Roth</i>	11-cv-04501-JSR
<i>Picard v. Harold A. Thau</i>	11-cv-04399-JSR
<i>Picard v. William M. Woessner Family Trust, Sheila A. Woessner Family Trust, William M. Woessner individually, and as Trustee of the William M. Woessner Family Trust and the Sheila A. Woessner Family Trust, Sheila A. Woessner, individually, and Trustee of the William M. Woessner Family Trust and the Sheila A. Woessner Family Trust</i>	11-cv-04503-JSR
<i>Picard v. Elbert R. Brown, et al.</i>	11-cv-05155-JSR
<i>Picard v. Lewis Franck individually and in his capacity as Trustee for the Florence Law Irrevocable Trust dtd 1/24/05, et al.</i>	11-cv-04723-JSR
<i>Picard v. Joseph S. Popkin Revocable Trust DTD 2/9/2006 a Florida trust, Estate of Joseph S. Popkin, Robin Popkin Logue as trustee of the Joseph S. Popkin Revocable Trust Dated Feb. 9, 2006, as the personal representative of the Estate of Joseph S. Popkin, and as an individual</i>	11-cv-04726-JSR
<i>Picard v. Jonathan Sobin</i>	11-cv-04728-JSR
<i>Picard v. Kara Fishbein Goldman, et al.</i>	11-cv-04959-JSR
<i>Picard v. Patrice M. Auld, Merritt Kevin Auld, and James P. Marden</i>	11-cv-05005-JSR
<i>Picard v. Boslow Family Limited Partnership et al.</i>	11-cv-05006-JSR
<i>Picard v. Bernard Marden Profit Sharing Plan et al.</i>	11-cv-05007-JSR
<i>Picard v. Helene R. Cahners Kaplan et al.</i>	11-cv-05008-JSR
<i>Picard v. Charlotte M. Marden et al.</i>	11-cv-05009-JSR
<i>Picard v. Robert Fried and Joanne Fried</i>	11-cv-05156-JSR
<i>Picard v. Jordan H. Kart Revocable Trust &amp; Jordan H. Kart</i>	11-cv-05157-JSR
<i>Picard v. James P. Marden et al.</i>	11-cv-05158-JSR



EXHIBIT A

<i>Picard v. Marden Family Limited Partnership et al.</i>	11-cv-05160-JSR
<i>Picard v. Norma Fishbein</i>	11-cv-05161-JSR
<i>Picard v. Norma Fishbein Revocable Trust et al.</i>	11-cv-05162-JSR
<i>Picard v. Oakdale Foundation Inc. et al.</i>	11-cv-05163-JSR
<i>Picard v. Bruce D. Pergament et al.</i>	11-cv-05216-JSR
<i>Picard v. Sharon A. Raddock</i>	11-cv-05217-JSR
<i>Picard v. The Murray &amp; Irene Pergament Foundation, Inc. et al.</i>	11-cv-05218-JSR
<i>Picard v. David S. Wallenstein</i>	11-cv-05219-JSR
<i>Picard v. Avram J. Goldberg et al.</i>	11-cv-05220-JSR
<i>Picard v. Pergament Equities, LLC et al.</i>	11-cv-05221-JSR
<i>Picard v. Wallenstein/NY Partnership &amp; David S. Wallenstein</i>	11-cv-05222-JSR
<i>Picard v. Bell Ventures Limited et al.</i>	11-cv-05507-JSR
<i>Picard v. Harold J. Hein</i>	11-cv-04936-JSR
<i>Picard v. Kelman Partners Limited Partnership et al.</i>	11-cv-05513-JSR
<i>Picard v. Barbara J. Berdon</i>	11-cv-07684-JSR
<i>Picard v. Laura E. Guggenheimer Cole</i>	11-cv-07670-JSR
<i>Picard v. Sidney Cole</i>	11-cv-07669-JSR
<i>Picard v. Epic Ventures, LLC &amp; Eric P. Stein</i>	11-cv-07681-JSR
<i>Picard v. The Frederica Ripley French Revocable Trust et al.</i>	11-cv-07622-JSR
<i>Picard v. Alvin Gindel Revocable Trust &amp; Alvin Gindel</i>	11-cv-07645-JSR
<i>Picard v. Rose Gindel Trust et al.</i>	11-cv-07601-JSR
<i>Picard v. S&amp;L Partnership et al.</i>	11-cv-07600-JSR
<i>Picard v. Joel I. Gordon Revocable Trust &amp; Joel I. Gordon</i>	11-cv-07623-JSR
<i>Picard v. Toby T. Hobish et al.</i>	11-cv-07559-JSR
<i>Picard v. Helene Cummings Karp Annuity &amp; Helene Cummins Karp</i>	11-cv-07646-JSR
<i>Picard v. Lapin Children LLC</i>	11-cv-07624-JSR
<i>Picard v. BMA L.P. et al.</i>	11-cv-07667-JSR
<i>Picard v. David R. Markin, et al.</i>	11-cv-07602-JSR
<i>Picard v. Stanley T. Miller</i>	11-cv-07579-JSR
<i>Picard v. The Murray Family Trust et al.</i>	11-cv-07683-JSR
<i>Picard v. Estate of Marjorie K. Osterman et al.</i>	11-cv-07626-JSR
<i>Picard v. Neil Reger Profit Sharing Keogh &amp; Neil Reger</i>	11-cv-07577-JSR
<i>Picard v. Eugene J. Ribakoff 2006 Trust et al.</i>	11-cv-07644-JSR
<i>Picard v. Sage Associates et al.</i>	11-cv-07682-JSR
<i>Picard v. Sage Realty et al.</i>	11-cv-07668-JSR
<i>Picard v. The Norma Shapiro Revocable Declaration of Trust Under Agreement Dated 9/16/2008 et al.</i>	11-cv-07578-JSR
<i>Picard v. Estate of Jack Shurman et al.</i>	11-cv-07625-JSR
<i>Picard v. Barry Weisfeld</i>	11-cv-07647-JSR
<i>Picard v. Marital Trust Under Article X of the Charles D. Kelman Revocable Trust</i>	11-cv-04936-JSR
<i>Picard v. Elins Family Trust, et al.</i>	11-cv-04772-JSR
<i>Picard v. Malibu Trading &amp; Investing LP, et al.</i>	11-cv-07730-JSR
<i>Picard v. Kenneth Hubbard</i>	11-cv-07731-JSR
<i>Picard v. Uri &amp; Myna Herscher Family Trust, et al.</i>	11-cv-07732-JSR
<i>Picard v. Lawrence Elins</i>	11-cv-07733-JSR
<i>Picard v. M &amp; B Weiss Family Limited Partnership of 1996 c/o Melvyn I. Weiss, et al.</i>	11-cv-06244-JSR
<i>Picard v. Janet Jaffe Trust UA Dtd 4/20/90, et al.</i>	12-cv-04188-JSR
<i>Picard v. Laurel Kohl and Jodi Kohl</i>	12-cv-04189-JSR
<i>Picard v. Srione, LLC, et al.</i>	12-cv-04092-JSR
<i>Picard v. Turbo Investors, LLC</i>	12-cv-04177-JSR
<i>Picard vs. Gail Nessel</i>	12-cv-04178-JSR



**EXHIBIT A**

<i>Picard v. Estate of Maurice U. Rosenfield A/K/A Maurice Rosenfield (Jay Rosenfeld – Moving Party)</i>	12-cv-04176-JSR
<i>Picard v. Bennett M. Berman Trust et al.</i>	12-cv-02451-JSR
<i>Picard v. Triangle Diversified Investments, et al.</i>	12-cv-00700-JSR
<i>Picard v. Franitza Family Ltd. P'ship et al.</i>	11-cv-04505-JSR
<i>Picard v. The Jordan H. Kart Revocable Trust, et al.</i>	11-cv-05157
<i>Picard v. Danville Mfg., Inc.</i>	11-cv-06573-JSR
<i>Picard v. Con. Gen. Life Ins., et al.</i>	11-cv-07174-JSR
<i>Picard v. Con. Gen. Life Ins., et al.</i>	11-cv-07176-JSR
<i>Picard v. David Abel [Amended Motion of Withdraw]</i>	11-cv-07766-JSR
<i>Picard v. Sirotkin</i>	11-cv-07928-JSR
<i>Picard v. David Shapiro</i>	11-cv-07929-JSR
<i>Picard v. Gertrude E. Alpern Rev. Trust et al.</i>	11-cv-07930-JSR
<i>Picard v. David Shapiro Nominee 2</i>	11-cv-07931-JSR
<i>Picard v. Herbert Barbanel and Alice Barbanel</i>	11-cv-07932-JSR
<i>Picard v. David Shapiro Nominee 3</i>	11-cv-07933-JSR
<i>Picard v. Angela Tiletnick</i>	11-cv-07934-JSR
<i>Picard v. Garynn Rodner Cutroneo</i>	11-cv-07935-JSR
<i>Picard v. Kamenstein</i>	11-cv-07962-JSR
<i>Picard v. Trust Under Agreement Dated 12/6/99 for the benefit of Walter and Eugenie Kissinger et al.</i>	11-cv-07963-JSR
<i>Picard v. Estate of Seymour Epstein et al.</i>	11-cv-07965-JSR
<i>Picard v. Trust U/W/O Morris Weintraub FBO Audrey Weintraub et al.</i>	11-cv-07966-JSR
<i>Picard v. Judith Rechler</i>	11-cv-07967-JSR
<i>Picard v. The Whitman Partnership</i>	11-cv-07978-JSR
<i>Picard v. Jacob M. Dick Rev Living Trust Dtd 4/6/01</i>	11-cv-07979-JSR
<i>Picard v. Robert F. Ferber</i>	11-cv-07980-JSR
<i>Picard v. Jerome Goodman et al.</i>	11-cv-07981-JSR
<i>Picard v. Perlman</i>	11-cv-07982-JSR
<i>Picard v. The Gerald and Barbara Keller Family Trust</i>	11-cv-07983-JSR
<i>Picard v. Elaine Dine Living Trust</i>	11-cv-07984-JSR
<i>Picard v. Marlene Krauss</i>	11-cv-07985-JSR
<i>Picard v. Estate of Audrey Weintraub</i>	11-cv-07986-JSR
<i>Picard v. Dennis Sprung</i>	11-cv-07987-JSR
<i>Picard v. Triangle Properties #39 et al.</i>	11-cv-08008-JSR
<i>Picard v. Fern C. Palmer Revocable Trust</i>	11-cv-08009-JSR
<i>Picard v. Yesod Fund, A Trust</i>	11-cv-08010-JSR
<i>Picard v. Benjamin T. Heller</i>	11-cv-08011-JSR
<i>Picard v. RAR Entrepreneurial Fund, Ltd. and Russell Oasis</i>	11-cv-08012-JSR
<i>Picard v. Dara N. Simons</i>	11-cv-08013-JSR
<i>Picard v. Andrew M. Goodman</i>	11-cv-08014-JSR
<i>Picard v. Clothmasters, Inc.</i>	11-cv-08015-JSR
<i>Picard v. James M. Garten</i>	11-cv-08016-JSR
<i>Picard v. Chalek Associates Llc et al.</i>	11-cv-08017-JSR
<i>Picard v. Timothy Shawn Teufel And Valerie Ann Teufel Family Trust</i>	11-cv-08025-JSR
<i>Picard v. Peter D. Kamenstein</i>	11-cv-08026-JSR
<i>Picard v. Richard S. Poland</i>	11-cv-08027-JSR
<i>Picard v. Donald A. Benjamin</i>	11-cv-08028-JSR
<i>Picard v. Robert S. Whitman</i>	11-cv-08029-JSR
<i>Picard v. J.Z. Personal Trust and Jerome M. Zimmerman</i>	11-cv-08042-JSR
<i>Picard v. Robert Hirsch and Lee Hirsch</i>	11-cv-08043-JSR



EXHIBIT A

<i>Picard v. Mark Horowitz</i>	11-cv-08044-JSR
<i>Picard v. Philip F. Palmledo</i>	11-cv-08045-JSR
<i>Picard v. Kuntzman Family Llc. et al.</i>	11-cv-08046-JSR
<i>Picard v. Carla Ginsburg</i>	11-cv-08047-JSR
<i>Picard v. Placon2, William R. Cohen et al.</i>	11-cv-08048-JSR
<i>Picard v. Estate of Irene Schwartz et al.</i>	11-cv-08049-JSR
<i>Picard v. Edwin Michalove</i>	11-cv-08050-JSR
<i>Picard v. The Estelle Harwood Family Limited Partnership et al.</i>	11-cv-08051-JSR
<i>Picard v. Kohl et al.</i>	11-cv-08081-JSR
<i>Picard v. Shari Block Jason</i>	11-cv-08082-JSR
<i>Picard v. Toby Harwood</i>	11-cv-08083-JSR
<i>Picard v. Difazio</i>	11-cv-08084-JSR
<i>Picard v. Leslie Ehrlich et al.</i>	11-cv-08085-JSR
<i>Picard v. Alvin E. Shulman Pourover Trust et al.</i>	11-cv-08086-JSR
<i>Picard v. Estate of Steven I. Harnick et al.</i>	11-cv-08087-JSR
<i>Picard v. Marie S. Rautenberg</i>	11-cv-08088-JSR
<i>Picard v. Andelman</i>	11-cv-08089-JSR
<i>Picard v. Robert S. Savin</i>	11-cv-08090-JSR
<i>Picard v. Train Klan et al.</i>	11-cv-08096-JSR
<i>Picard v. Harry Smith Revocable Living Trust et al.</i>	11-cv-08097-JSR
<i>Picard v. Allen Gordon</i>	11-cv-08098-JSR
<i>Picard v. Susan Andelman</i>	11-cv-08099-JSR
<i>Picard v. Sylvan Associates LLC F/K/A Sylvan Associates Limited Partnership et al.</i>	11-cv-08100-JSR
<i>Picard v. James M. New Trust et al.</i>	11-cv-08101-JSR
<i>Picard v. Guiducci Family Limited Partnership et al.</i>	11-cv-08102-JSR
<i>Picard v. Melvin H. and Leona Gale Joint Revocable Living Trust et al.</i>	11-cv-08103-JSR
<i>Picard v. Trust u/art fourth o/w/o Israel Wilenitz et al.</i>	11-cv-08104-JSR
<i>Picard v. Frieda Freshman et al.</i>	11-cv-08105-JSR
<i>Picard v. Barbara L. Savin</i>	11-cv-08106-JSR
<i>Picard v. Marilyn Turk Revocable Trust et al.</i>	11-cv-08107-JSR
<i>Picard v. Brevo Realty Corp. Defined Benefit Pension Plan et al.</i>	11-cv-08108-JSR
<i>Picard v. The Celeste &amp; Adam Bartos Charitable Trust and Adam P. Bartos</i>	11-cv-08109-JSR
<i>Picard v. James M. Goodman and Audrey M. Goodman</i>	11-cv-08110-JSR
<i>Picard v. Robert C. Luker Family Partnership et al.</i>	11-cv-08111-JSR
<i>Picard v. Stony Brook Foundation, Inc.</i>	11-cv-08113-JSR
<i>Picard v. Leonard J. Oguss Trust et al.</i>	11-cv-08114-JSR
<i>Picard v. Theresa R. Ryan</i>	11-cv-08115-JSR
<i>Picard v. Atwood Management Profit Sharing Plan &amp; Trust f/k/a Atwood Regency Money Purchase Pension Plan, et al.</i>	11-cv-08116-JSR
<i>Picard v. Bert Brodsky Associates, Inc. Pension Plan et al.</i>	11-cv-08216-JSR
<i>Picard v. Plafsky Family LLC Retirement Plan et al.</i>	11-cv-08217-JSR
<i>Picard v. Palmer Family Trust; Great Western Bank – Trust Department et al.</i>	11-cv-08218-JSR
<i>Picard v. Steven C. Schupak</i>	11-cv-08219-JSR
<i>Picard v. Laura Ann Smith Revocable Living Trust et al.</i>	11-cv-08220-JSR
<i>Picard v. The Lazarus-Schy Family Partnership et al.</i>	11-cv-08221-JSR
<i>Picard v. Irene Whitman 1990 Trust et al.</i>	11-cv-08224-JSR
<i>Picard v. Ronald A. Guttman and Irene T. Cheng</i>	11-cv-08225-JSR
<i>Picard v. Reckson Generation et al.</i>	11-cv-08226-JSR
<i>Picard v. Boyer H. Palmer et al.</i>	11-cv-08227-JSR
<i>Picard v. JABA Associates LP et al.</i>	11-cv-08228-JSR
<i>Picard v. David Shapiro Nominee 4</i>	11-cv-08264-JSR
<i>Picard v. Robert Yaffe</i>	11-cv-08265-JSR



**EXHIBIT A**

<i>Picard v. Shirley Friedman and Richard Friedman</i>	11-cv-08266-JSR
<i>Picard v. Manuel O. Jaffe</i>	11-cv-08267-JSR
<i>Picard v. Allen Meisels</i>	11-cv-08268-JSR
<i>Picard v. Lehrer et al. (moving party Eunice Chevron Lehrer)</i>	11-cv-08269-JSR
<i>Picard v. Ilene May et al.</i>	11-cv-08270-JSR
<i>Picard v. Schaffer</i>	11-cv-08272-JSR
<i>Picard v. Realty Negotiators Defined Benefit Pension Plan</i>	11-cv-08273-JSR
<i>Picard v. Brad Wechsler</i>	11-cv-08274-JSR
<i>Picard v. Judd Robbins</i>	11-cv-08275-JSR
<i>Picard v. Alvin E. Shulman</i>	11-cv-08277-JSR
<i>Picard v. Alvin E. Shulman Pourover Trust et al.</i>	11-cv-08278-JSR
<i>Picard v. Russell L. Dusek</i>	11-cv-08279-JSR
<i>Picard v. David Gross and Irma Gross</i>	11-cv-08280-JSR
<i>Picard v. Bruno L. DiGiulian</i>	11-cv-08281-JSR
<i>Picard v. James M. Goodman</i>	11-cv-08282-JSR
<i>Picard v. Allen Gordon</i>	11-cv-08283-JSR
<i>Picard v. Boyer Palmer</i>	11-cv-08284-JSR
<i>Picard v. Denis M. Castelli</i>	11-cv-08334-JSR
<i>Picard v. Carolyn Jean Benjamin et al.</i>	11-cv-08335-JSR
<i>Picard v. Martin Harnick et al.</i>	11-cv-08336-JSR
<i>Picard v. Richard G. Eaton</i>	11-cv-08337-JSR
<i>Picard v. Gunther K. Unflat</i>	11-cv-08338-JSR
<i>Picard v. Blue Bell Lumber and Moulding Company, Inc. Profit Sharing Plan</i>	11-cv-08408-JSR
<i>Picard v. S&amp;P Associates</i> (moving party Rosemary Leo-Sullivan, General Partner)	11-cv-08409-JSR
<i>Picard v. Barbara Roth and Mark Roth</i>	11-cv-08410-JSR
<i>Picard v. Nancy Dyer Cohen, In Her Capacity As Trustee For The Bert Margolies Trust and Bert Margolies Trust</i>	11-cv-08411-JSR
<i>Picard v. Ambassador Shoe Corporation</i>	11-cv-08474 -JSR
<i>Picard v. Fred A. Daibes Madoff Securities Trust</i>	11-cv-08475-JSR
<i>Picard v. Arthur M. Siskind</i>	11-cv-08476-JSR
<i>Picard v. Lillian Berman Goldfarb</i>	11-cv-08477-JSR
<i>Picard v. Estate of Helene Abraham, et al.</i>	11-cv-08478-JSR
<i>Picard v. Richard A. Broms Revocable Trust, et al.</i>	11-cv-08479-JSR
<i>Picard v. Carol Nelson and Stanley Nelson</i>	11-cv-08480-JSR
<i>Picard v. Lyle Berman et al.</i>	11-cv-08481-JSR
<i>Picard v. Estate of Robert Rimsky, et al.</i>	11-cv-08482-JSR
<i>Picard v. Robert A. Meister</i>	11-cv-08483-JSR
<i>Picard v. Theresa Berman Revocable Trust, et al.</i>	11-cv-08484-JSR
<i>Picard v. The Olesky Survivors Trust dated 2/27/84 and Cynthia Olesky Giammarrusco</i>	11-cv-08485-JSR
<i>Picard v. Malcolm Sherman</i>	11-cv-08486-JSR
<i>Picard v. Agas Company L.P., et al.</i>	11-cv-08487-JSR
<i>Picard v. AHT Partners, LP, et al.</i>	11-cv-08488-JSR
<i>Picard v. BWA Ambassador, Inc., et al.</i>	11-cv-08489-JSR
<i>Picard v. Bernard Greenman Marital Deduction Trust, et al.</i>	11-cv-08490-JSR
<i>Picard v. Goldstein</i>	11-cv-08491-JSR
<i>Picard v. Indian Wells Partnership, LTD., a Florida limited partnership, et al.</i>	11-cv-08492-JSR
<i>Picard v. Rubin Family Investments Partnership, et al.</i>	11-cv-08493-JSR
<i>Picard v. Elaine Pikulik</i>	11-cv-08532-JSR
<i>Picard v. Bonnie J. Kansler</i>	11-cv-08533-JSR
<i>Picard v. Geoffrey S. Rehnert</i>	11-cv-08574-JSR
<i>Picard v. The Estate of Meyer Goldman (Neil S. Goldman – Moving Party)</i>	11-cv-08575-JSR



EXHIBIT A

<i>Picard v. Karen Siff Exkorn</i>	11-cv-08576-JSR
<i>Picard v. Collingwood Group, et al.</i>	11-cv-08577-JSR
<i>Picard v. Shirley S. Siff Trust 1989 DTD 12/20/89, et al.</i>	11-cv-08578-JSR
<i>Picard v. Marc B. Wolpow 1995 Family Trust, et al.</i>	11-cv-08579-JSR
<i>Picard v. Audax Group LP, et al.</i>	11-cv-08580-JSR
<i>Picard v. Carol Nelson</i>	11-cv-08581-JSR
<i>Picard v. Gordon Associates and Bruce Gordon</i>	11-cv-08582-JSR
<i>Picard v. Robert M. Siff</i>	11-cv-08583-JSR
<i>Picard v. Estate of Maurice U. Rosenfield A/K/A Maurice Rosenfield et al. (moving party Robert Rosenfield)</i>	11-cv-08584-JSR
<i>Picard v. Kenneth Evenstad Revocable Trust u/a/d May 2, 2000, et al. (Bankr. Dkt #10-04342)</i>	11-cv-08668-JSR
<i>Picard v. Lawrence A. Siff</i>	11-cv-08585-JSR
<i>Picard v. Kay Morrissey</i>	11-cv-08586-JSR
<i>Picard v. Ludmilla Goldberg</i>	11-cv-08587-JSR
<i>Picard v. Ninth Street Partners, Ltd., et al.</i>	11-cv-08588-JSR
<i>Picard v. James Morrissey</i>	11-cv-08589-JSR
<i>Picard v. Branch Family Development, LLC, et al.</i>	11-cv-08590-JSR
<i>Picard v. Mathew and Evelyn Broms Investment Partnership, et al.</i>	11-cv-08591-JSR
<i>Picard v. Carol Lederman</i>	11-cv-08592-JSR
<i>Picard v. Lucerne Foundation and Douglas J. Rinsky, in his capacity as Trustee</i>	11-cv-08593-JSR
<i>Picard v. Estate of James Heller, et al.</i>	11-cv-08630-JSR
<i>Picard v. Love &amp; Quiches LTD. 401(k) Savings Plan and Its Related Trust, et al.</i>	11-cv-08631-JSR
<i>Picard v. D. Stone Industries, Inc. Profit Sharing Plan, et al.</i>	11-cv-08632-JSR
<i>Picard v. The Lyle Berman Family Partnership, et al.</i>	11-cv-08633-JSR
<i>Picard v. Bertram Bromberg Trust UAD 5/26/06, et al.</i>	11-cv-08634-JSR
<i>Picard v. Daniel Stone and Susan Jane Stone</i>	11-cv-08635-JSR
<i>Picard v. Eugenia G. Vogel, et al.</i>	11-cv-08636-JSR
<i>Picard v. Harry Schick</i>	11-cv-08637-JSR
<i>Picard v. Robert M. Siff</i>	11-cv-08638-JSR
<i>Picard v. Lichter Family Partnership, et al.</i>	11-cv-08639-JSR
<i>Picard v. Kenneth Evenstad Revocable Trust u/a/d May 2, 2000, et al. (Bankr. Dkt #10-04933)</i>	11-cv-08674-JSR
<i>Picard v. The Robert M. Siff Trust, et al.</i>	11-cv-08675-JSR
<i>Picard v. Joyce G. Moscoe, et al.</i>	11-cv-08676-JSR
<i>Picard v. Estate of Elaine Cooper, et al.</i>	11-cv-08677-JSR
<i>Picard v. Jeffrey H. Fisher Separate Property Revocable Trust, et al.</i>	11-cv-08678-JSR
<i>Picard v. Lehrer et al. (moving parties Stuart M. Stein, Arthur Siskind, Arthur J. Feibus, Jamat Company, LLC, and The Mestro Company)</i>	11-cv-08679-JSR
<i>Picard v. RIP Investments, LP, et al.</i>	11-cv-08680-JSR
<i>Picard v. Estate of David A. Wingate, et al.</i>	11-cv-08681-JSR
<i>Picard v. Falcon Associates, L.P. and Marc B. Fisher</i>	11-cv-08682-JSR
<i>Picard v. The Trust U/W/O H. Thomas Langbert F/B/O Evelyn Langbert, et al.</i>	11-cv-08683-JSR
<i>Picard v. 1096-1100 River Road Associates, LLC, et al.</i>	11-cv-08684-JSR
<i>Picard v. James Heller Family, LLC, a Delaware limited liability company, et al.</i>	11-cv-08686-JSR
<i>Picard v. Mark &amp; Carol Enterprises, Inc., a New York Corporation, et al.</i>	11-cv-08687-JSR
<i>Picard v. CAJ Associates, L.P., a Delaware limited partnership, and Carol Lederman</i>	11-cv-08688-JSR
<i>Picard v. Jewish Association for Services for the Aged</i>	11-cv-08689-JSR
<i>Picard v. Estate of Gilbert M. Kotzen, et al.</i>	11-cv-08741-JSR
<i>Picard v. Bernstein</i>	11-cv-08742-JSR
<i>Picard v. Frank A. Petito, d/b/a The Petito Inv. Group, et al.</i>	11-cv-08743-JSR



**EXHIBIT A**

<i>Picard v. II Kotzen Company</i>	11-cv-08744-JSR
<i>Picard v. Gilbert M. Kotzen 1982 Trust</i>	11-cv-08745-JSR
<i>Picard v. DeLucia</i>	11-cv-08746-JSR
<i>Picard v. Lucky Company, et al.</i> (as filed by Morty Wolosoff Revocable Trust, Gloria Wolosoff Revocable Trust, and Stephen N. Dratch)	11-cv-08840-JSR
<i>Picard v. The Melvin N. Lock Trust, et al.</i>	11-cv-08894-JSR
<i>Picard v. Nessel</i>	11-cv-08895-JSR
<i>Picard v. Marital Trust of Marvin G. Graybow, et al.</i>	11-cv-08896-JSR
<i>Picard v. Melvin b. Nessel 2006 Trust, et al.</i>	11-cv-08897-JSR
<i>Picard v. Nicolette Wernick Nominee P'ship, et al.</i> (moving party Nicolette Wernick)	11-cv-08946-JSR
<i>Picard v. Fine K-S Trust, et al.</i>	11-cv-08968-JSR
<i>Picard v. Joseph M. Paresky Trust, et al.</i>	11-cv-08969 -JSR
<i>Picard v. Susan Paresky, et al.</i>	11-cv-08970-JSR
<i>Picard v. Fiterman Investment Fund, et al.</i>	11-cv-08984-JSR
<i>Picard v. Hess Kline Rev. Trust, et al.</i>	11-cv-08986-JSR
<i>Picard v. Metro Motor Imports, Inc.</i>	11-cv-08987-JSR
<i>Picard v. Miles Q. Fiterman Recovable Trust, et al</i>	11-cv-08988-JSR
<i>Picard v. Miles &amp; Shirley Fiterman Charitable Foundation, et al.</i>	11-cv-08989-JSR
<i>Picard v. The Joseph Bergman Revocable Trust, et al.</i>	11-cv-09058-JSR
<i>Picard v. Pati H. Gerber 1997 Trust, et al.</i>	11-cv-09060-JSR
<i>Picard v. Edward and Marion Speer</i>	11-cv-09062-JSR
<i>Picard v. Kase-Glass Fund, et al.</i>	11-cv-09063-JSR
<i>Picard v. Lemtag Associates, et al.</i>	11-cv-09064-JSR
<i>Picard v. Brian H. Gerber</i>	11-cv-09140-JSR
<i>Picard v. Brian H. Gerber Trust</i>	11-cv-09142-JSR
<i>Picard v. The Koff Living Trust, et al.</i>	11-cv-09178-JSR
<i>Picard v. MBE Preferred Limited Partnership, et al.</i>	11-cv-09179-JSR
<i>Picard v. Sew Preferred Limited Partnership, et al.</i>	11-cv-09180-JSR
<i>Picard v. Serene Warren Rev. Trust U/A/D Sept. 15, 2005, et al.</i>	11-cv-09181-JSR
<i>Picard v. Pisetzner Family Ltd P'ship, et al.</i>	11-cv-09182-JSR
<i>Picard v. Judith Pisetzner</i>	11-cv-09183-JSR
<i>Picard v. Frank J. Lynch</i>	11-cv-09215-JSR
<i>Picard v. F&amp;P Lynch Partnership, et al.</i>	11-cv-09216-JSR
<i>Picard v. Leslie Aufzien Levine, et al.</i>	11-cv-09217-JSR
<i>Picard v. Mark B. Evenstad Revocable Trust U/A/D Jan. 30, 2003, et al.</i>	11-cv-09218-JSR
<i>Picard v. Gorvis LLC, et al.</i>	11-cv-09219-JSR
<i>Picard v. Mashanda Ltd</i>	11-cv-09220-JSR
<i>Picard v. Estate of Paul E. Feffer, et al.</i>	11-cv-09275-JSR
<i>Picard v. Schiff Family Holdings Nevada Limited Partnership, et al.</i>	11-cv-09276-JSR
<i>Picard v. Franklin Sands</i>	11-cv-09277-JSR
<i>Picard v. Daniel Silna, et al.</i>	11-cv-09279-JSR
<i>Picard v. Steven Schiff</i>	11-cv-09280-JSR
<i>Picard v. Shetland Fund Limited Partnership et al.</i>	11-cv-09281-JSR
<i>Picard v. Lori Chemla and Alexandre Chemla</i>	11-cv-09282-JSR
<i>Picard v. Melissa Perlen</i>	11-cv-09367-JSR
<i>Picard v. Frederic J. Perlen</i>	11-cv-09368-JSR
<i>Picard v. Myra Perlen Revocable Trust</i>	11-cv-09369-JSR
<i>Picard v. Stuart Perlen Revocable Trust DTD 1/4/08</i>	11-cv-09370-JSR
<i>Picard v. Lake Drive LLC, et al.</i>	11-cv-09371-JSR
<i>Picard v. Bear Lake Partners, et al.</i>	11-cv-09372-JSR



**EXHIBIT A**

<i>Picard v. Mosaic Fund L.P. , et al.</i>	11-cv-09444-JSR
<i>Picard v. United Congregations Mesora</i>	11-cv-09445-JSR
<i>Picard v. Chesed Congregations of America</i>	11-cv-09446-JSR
<i>Picard v. South Ferry Building Company, et al.</i>	11-cv-09447-JSR
<i>Picard v. Lanx BM Investments, LLC, et al.</i>	11-cv-09448-JSR
<i>Picard v. Wolfson Equities</i>	11-cv-09449-JSR
<i>Picard v. ZWD Investments, LLC, et al.</i>	11-cv-09450-JSR
<i>Picard v. South Ferry #2 LP, et al.</i>	11-cv-09451-JSR
<i>Picard v. Laure Ann Margolies Children's Trust, et al.</i>	11-cv-09500-JSR
<i>Picard v. Anthony Stefanelli</i>	11-cv-09502-JSR
<i>Picard v. Stefanelli Investor Group, et al.</i> (Mary Ann Stefanelli – Moving Party)	11-cv-09503-JSR
<i>Picard v. Barbra K. Morganstern Revocable Trust et al.</i>	11-cv-09539-JSR
<i>Picard v. Esskayjay Enterprises Ltd. Profit Sharing Plan and Trust et al.</i>	11-cv-09540-JSR
<i>Picard v. Estate of Lillian B. Steinberg et al.</i>	11-cv-09541-JSR
<i>Picard v. Estate of Bernard J. Kessel et al.</i>	11-cv-09542-JSR
<i>Picard v. Rituno</i>	11-cv-09543-JSR
<i>Picard v. Mid Atlantic Group Inc. et al.</i>	11-cv-09544-JSR
<i>Picard v. Estelle G. Teitelbaum</i>	11-cv-09629-JSR
<i>Picard v. Michael Frenchman and Laurie Frenchman</i>	11-cv-09630-JSR
<i>Picard v. The Hausner Group, et al.</i>	11-cv-09631-JSR
<i>Picard v. Visiting Nurse Service of New York et al.</i>	11-cv-09680-JSR
<i>Picard v. Peter Joseph</i>	12-cv-00036-JSR
<i>Picard v. Gary J. Korn, et al.</i>	12-cv-00037-JSR
<i>Picard v. Queensgate Foundation</i>	12-cv-00038-JSR
<i>Picard v. Story Family Trust #3, et al.</i>	12-cv-00039-JSR
<i>Picard v. Story, et al.</i>	12-cv-00040-JSR
<i>Picard v. Nicolette Wernick Nominee P'ship, et al.</i> (M. Gordon Ehrlich – Moving Party)	12-cv-00041-JSR
<i>Picard v. David Silver and Patricia W. Silver</i>	12-cv-00090-JSR
<i>Picard v. Douglas D. Johnson</i>	12-cv-00091-JSR
<i>Picard v. Muriel B. Cantor, et al.</i>	12-cv-00205-JSR
<i>Picard v. FGLS Equity, LLC</i>	12-cv-00208-JSR
<i>Picard v. Financiere Agache</i>	12-cv-00259-JSR
<i>Picard v. The Phoebe Blum Rev. Trust, et al.</i>	12-cv-00327-JSR
<i>Picard v. Cornerstone Capital (Del), Inc.</i>	12-cv-00328-JSR
<i>Picard v. Pulver Family Foundation</i>	12-cv-00329-JSR
<i>Picard v. P. Feldman</i>	12-cv-00352-JSR
<i>Picard v. Harvey I. Werner Rev. Trust, et al.</i>	12-cv-00353-JSR
<i>Picard v. Frederic Konigsberg, et al.</i>	12-cv-00354-JSR
<i>Picard v. Schur</i>	12-cv-00355-JSR
<i>Picard v. Yankowitz, et al.</i>	12-cv-00356-JSR
<i>Picard v. Leff, et al.</i>	12-cv-00357-JSR
<i>Picard v. Cheren</i>	12-cv-00358-JSR
<i>Picard v. Ken-Wen Family Ltd. Partnership, et al.</i>	12-cv-00359-JSR
<i>Picard v. Estate of Heine, et al.</i>	12-cv-00360-JSR
<i>Picard v. R. Feldman</i>	12-cv-00361-JSR
<i>Picard v. Jeffrey L. Werner Trust, et al.</i>	12-cv-00362-JSR
<i>Picard v. Sperling, et al.</i>	12-cv-00363-JSR
<i>Picard v. Sweidel</i>	12-cv-00364-JSR
<i>Picard v. Diamond</i>	12-cv-00391-JSR
<i>Picard v. Adess Trust, et al.</i>	12-cv-00392-JSR
<i>Picard v. Robert Redston Trust, et al.</i>	12-cv-00393-JSR



**EXHIBIT A**

<i>Picard v. Gorrin Family Trust, et al.</i>	12-cv-00394-JSR
<i>Picard v. Winters Family Partnership, et al.</i>	12-cv-00395-JSR
<i>Picard v. Schlesinger Marital Trust, et al.</i>	12-cv-00396-JSR
<i>Picard v. Ho Marital Appointment Trust, et al.</i>	12-cv-00397-JSR
<i>Picard v. KL Retirement Trust, et al.</i>	12-cv-00398-JSR
<i>Picard v. Estate of Carolyn Miller, et al.</i>	12-cv-00399-JSR
<i>Picard v. Werner Foundation</i>	12-cv-00400-JSR
<i>Picard v. Ad-In-Partners, et al.</i>	12-cv-00401-JSR
<i>Picard v. Vock, et al.</i>	12-cv-00402-JSR
<i>Picard v. Trust Under Deed of Suzzane May, et al.</i>	12-cv-00403-JSR
<i>Picard v. Nathaniel Gold, et al.</i>	12-cv-00404-JSR
<i>Picard v. Marilyn Davimos 1999 Grat, a Florida Trust et al.</i>	12-cv-00514-JSR
<i>Picard v. The Estate of Meyer Goldman</i>	12-cv-00515-JSR
<i>Picard v. A&amp;G Goldman Partnership, a NY Partnership et al.</i>	12-cv-00516-JSR
<i>Picard v. Marilyn Lobell Trust et al.</i>	12-cv-00517-JSR
<i>Picard v. Joel Busel Revocable Trust et seq.</i>	12-cv-00518-JSR
<i>Picard v. Nathan Cohen</i>	12-cv-00519-JSR
<i>Picard v. Edward A. Zraick, Jr., et al.</i>	12-cv-00521-JSR
<i>Picard v. Alvin Rush</i>	12-cv-00530-JSR
<i>Picard v. SG Hambros Bank &amp; Trust (Bahamas) Limited et al.</i>	12-cv-00531-JSR
<i>Picard v. Radosh Partners, a Florida Partnership et al.</i>	12-cv-00532-JSR
<i>Picard v. Celia Paleologos Revocable Trust dated 5/26/98, a Florida Trust et al.</i>	12-cv-00533-JSR
<i>Picard v. Merida Associates, Inc. et al.</i>	12-cv-00534-JSR
<i>Picard v. The Judie Lifton 1996 Revocable Trust et al.</i> (Martin Lifton, in his capacity as Trustee of the Judie Lifton 1996 Revocable Trust dated September 5, 1996)	12-cv-00535-JSR
<i>Picard v. Martin Lifton</i>	12-cv-00536-JSR
<i>Picard v. Allyn Levy Revocable Trust et al.</i>	12-cv-00537-JSR
<i>Picard v. Krellenstein Family Limited Partnership II of 1999 et al.</i>	12-cv-00538-JSR
<i>Picard v. Estate of Sam W. Klein et al.</i>	12-cv-00539-JSR
<i>Picard v. Ringler Partners, L.P., et al.</i>	12-cv-00606-JSR
<i>Picard v. Mar Partners and Alvin Rush</i>	12-cv-00607-JSR
<i>Picard v. L. Rags, Inc.</i>	12-cv-00608-JSR
<i>Picard v. The Ruth Rosen Family Limited Partnership et al.</i>	12-cv-00609-JSR
<i>Picard v. Mike Stein</i>	12-cv-00610-JSR
<i>Picard v. Linda S. Waldman</i>	12-cv-00611-JSR
<i>Picard v. Richard E. Winter Revocable Trust u/a Dated October 30, 2002 et al.</i>	12-cv-00612-JSR
<i>Picard v. Epstein Family Trust UWO Diana Epstein, et al.</i>	12-cv-00645-JSR
<i>Picard v. Beaser Investment Company, LP, et al.</i>	12-cv-00696-JSR
<i>Picard v. Samuel Beaser Amended &amp; Restated Trust, et al.</i>	12-cv-00697-JSR
<i>Picard v. Zieses Investment Partnership, et al.</i>	12-cv-00698-JSR
<i>Picard v. G.S. Schwartz &amp; Co., Inc, et al.</i>	12-cv-00699-JSR
<i>Picard v. Marvin L. Olshan</i>	12-cv-00701-JSR
<i>Picard v. The Croul Family Trust, et al.</i>	12-cv-00758-JSR
<i>Picard v. Cohen Pooled Asset Account, et al.</i>	12-cv-00883-JSR
<i>Picard v. Ostrin Family Partnership, et al.</i>	12-cv-00884-JSR
<i>Picard v. The Alan Miller Diane Miller Revocable Trust, et al.</i>	12-cv-00885-JSR
<i>Picard v. Edward T. Coughlin, et al.</i>	12-cv-00886-JSR
<i>Picard v. Diane Wilson</i>	12-cv-00887-JSR
<i>Picard v. Gertrude E. Alpern Rev. Trust, et al.</i>	12-cv-00939-JSR
<i>Picard v. Lewis Alpern and Jane Alpern</i>	12-cv-00940-JSR
<i>Picard v. Arnold Shapiro 11/9/96 Trust et al.</i>	12-cv-00941-JSR
<i>Picard v. Samdia Family, L.P., et al.</i>	12-cv-00942-JSR



**EXHIBIT A**

<i>Picard v. Kenneth W. Perlman, et al.</i>	12-cv-00943-JSR
<i>Picard v. Leonard R. Ganz and Roberta Ganz</i>	12-cv-00944-JSR
<i>Picard v. George N. Faris</i>	12-cv-00945-JSR
<i>Picard v. Kreitman</i>	12-cv-01134-JSR
<i>Picard v. Lexus Worldwide Ltd and Ilan Kelson</i> (Moving Party is Ilan Kelson)	12-cv-01135-JSR
<i>Picard v. Gorek</i> (Bankr. Dkt No. 10-04797)	12-cv-01137-JSR
<i>Picard v. Gorek, et al.</i> (Bankr. Dkt No. 10-04623)	12-cv-01138-JSR
<i>Picard v. Connecticut General Life Insurance Company et al.</i> (Bankr. Dkt. No. 10-04973)	12-cv-01228-JSR
<i>Picard v. Connecticut General Life Insurance Company et al.</i> (Bankr. Dkt. No. 10-05065)	12-cv-01229-JSR
<i>Picard v. Weindling</i>	12-cv-01690-JSR
<i>Picard v. Estate of Elaine S. Fox, et al.</i>	12-cv-01691-JSR
<i>Picard v. Estate of Benjamin Ehrmann et al Marvin Kirsten, et al.</i>	12-cv-01692-JSR
<i>Picard v. Lehrer et al.</i> (moving party Elaine Stein Roberts)	12-cv-01811-JSR
<i>Picard v. Lehrer et al.</i> (moving party Douglas Ellenoff)	12-cv-02079-JSR
<i>Picard v. Pergament Equities LLC</i>	12-cv-02153-JSR
<i>Picard v. Barbara Kotlikoff Harman</i>	12-cv-02155-JSR
<i>Picard v. Amy R. Roth</i>	12-cv-02156-JSR
<i>Picard v. Benjamin W. Roth and Marion B. Roth</i>	12-cv-02157-JSR
<i>Picard v. The Gloria Albert Sandler and Maurice Sandler Revocable Living Trust, et al.</i>	12-cv-02158-JSR
<i>Picard v. Glenhaven Limited and Mathew L. Gladstein</i>	12-cv-02159-JSR
<i>Picard v. Sandy Sandler</i>	12-cv-02160-JSR
<i>Picard v. Milton Goldworth</i>	12-cv-02226-JSR
<i>Picard v. Keystone Electronics Corp. Employee Profit Sharing Trust, et al.</i>	12-cv-02228-AKH
<i>Picard v. Marjorie Most</i>	12-cv-02278-JSR
<i>Picard v. Michael Most</i>	12-cv-02279-JSR
<i>Picard v. Irving J. Pinto 1996 Grantor Retained Annuity Trust, et al.</i>	12-cv-02309-JSR
<i>Picard v. Estate of Muriel Lederman, et al.</i>	12-cv-02312-JSR
<i>Picard v. M. Harvey Rubin Trust of 11/11/92, et al.</i>	12-cv-02314-JSR
<i>Picard v. Joan Roman</i>	12-cv-02315-JSR
<i>Picard v. S&amp;P Associates</i>	12-cv-02316-JSR
<i>Picard v. P&amp;S Associates</i>	12-cv-02317-JSR
<i>Picard v. Robert Roman</i>	12-cv-02318-JSR
<i>Picard v. Barbara S. Gross 2006 Grat, et al.</i>	12-cv-02337-JSR
<i>Picard v. L&amp;I Investments, LLC</i>	12-cv-02338-JSR
<i>Picard v. Steven E. Leber Charitable Remainder Unitrust, et al.</i>	12-cv-02339-JSR
<i>Picard v. Walter J. Gross Revocable Trust, et al.</i>	12-cv-02340-JSR
<i>Picard v. Shum Family Partnership III, LP, et al.</i>	12-cv-02342-JSR
<i>Picard v. Estate of Richard L. Cash, et al.</i>	12-cv-02344-JSR
<i>Picard v. Freda Epstein Revocable Trust, et al.</i>	12-cv-02345-JSR
<i>Picard v. Gladys Cash, et al.</i>	12-cv-02346-JSR
<i>Picard v. S.H. &amp; Helen R. Scheuer Family Foundation, Inc.</i>	12-cv-02348-JSR
<i>Picard v. Ronald Eisenberg 1995 Continuing Trust, et al.</i>	12-cv-02352-JSR
<i>Picard v. Isaac Blech</i>	12-cv-02353-JSR
<i>Picard v. Calesa Associates, et al.</i>	12-cv-02366-JSR
<i>Picard v. Second Act Associates, L.P., et al.</i>	12-cv-02367-JSR
<i>Picard v. Jay Gaines &amp; Co., Inc. Profit Sharing Plan, et al.</i>	12-cv-02370-JSR
<i>Picard v. The Arthur and Rochelle Belfer Foundation, Inc., et al.</i>	12-cv-02372-JSR
<i>Picard v. Estate of Maurice U. Rosenfeld A/K/A Maurice Rosenfield, et al.</i>	12-cv-02374-JSR
<i>Picard v. The Estate of Sarah E. Pearce, et al.</i>	12-cv-02375-JSR
<i>Picard v. Eli N. Budd</i>	12-cv-02376-JSR



EXHIBIT A

<i>Picard v. James B. Pinto Revocable Trust U/A dtd 12/1/03, et al.</i>	12-cv-02377-JSR
<i>Picard v. Amy Pinto Lome Revocable Trust, U/A Dtd 5/22/03, et al.</i>	12-cv-02378-JSR
<i>Picard v. Robert Nystrom</i>	12-cv-02403-JSR
<i>Picard v. Jeffrey Hinte</i>	12-cv-02404-JSR
<i>Picard v. Kostin Company, et al.</i>	12cv-02409-JSR
<i>Picard v. P.B. Robco, Inc.</i>	12-cv-02410-JSR
<i>Picard v. Estate of William E. Sorrel, et al.</i>	12-cv-02411-JSR
<i>Picard v. Rita Sorrel</i>	12-cv-02412-JSR
<i>Picard v. Buffalo Laborers' Pension Fund, et al.</i>	12-cv-02413-JSR
<i>Picard v. Nancy Portnoy</i>	12-cv-02414-JSR
<i>Picard v. Milton Davis Non-Exempt Marital Trust U/A 12/13/84, et al.</i>	12-cv-02415-JSR
<i>Picard v. G. Bruce Lifton</i>	12-cv-02416-JSR
<i>Picard v. The Judie Lifton 1996 Revocable Trust DTD 9/5/1996, et al.</i>	12-cv-02417-JSR
<i>Picard v. Steven J. Lifton</i>	12-cv-02420-JSR
<i>Picard v. Estate of John Y. Seskis, et al.</i>	12-cv-02427-JSR
<i>Picard v. Fab Industries, Inc., et al.</i>	12-cv-02428-JSR
<i>Picard v. Lehrer et al.</i> (Neal Goldman and Linda Sohn)	12-cv-02429-JSR
<i>Picard v. Estate of Doris M. Pearlman, et al.</i>	12-cv-02433-JSR
<i>Picard v. Citrus Investment Holdings Ltd.</i>	12-cv-02435-JSR
<i>Picard v. Dorothy Ervolino</i>	12-cv-02444-JSR
<i>Picard v. Estate of Richard M. Stark, et al.</i>	12-cv-02445-JSR
<i>Picard v. Helene Saren-Lawrence</i>	12-cv-02448-JSR
<i>Picard v. The JP Group, et al.</i>	12-cv-02449-JSR
<i>Picard v. Weithorn/Casper Associates for Selected Holdings, LLC, et al.</i>	12-cv-02450-JSR
<i>Picard v. DOS BFS Family Partnership II, L.P., et al.</i>	12-cv-02453-JSR
<i>Picard v. Lehrer, et al.</i> (moving parties Fischer Defendants)	12-cv-02458 -JSR
<i>Picard v. Thomas L. Stark, et al.</i>	12-cv-02465-JSR
<i>Picard v. Lebanese American University</i>	12-cv-02476-JSR
<i>Picard v. Carl Glick</i>	12-cv-02477-JSR
<i>Picard v. Lexington Capital Partners, L.P., et al.</i>	12-cv-02478-JSR
<i>Picard v. Prospect Capital Partners, et al.</i>	12-cv-02479-JSR
<i>Picard v. David T. Washburn</i>	12-cv-02480-JSR
<i>Picard v. Bridge Holidays, LLC Defined Benefit Pension Plan, et al.</i>	12-cv-02484-JSR
<i>Picard v. RMGF Ltd. Partnership, et al.</i>	12-cv-02491-JSR
<i>Picard v. William Jay Cohen, et al.</i>	12-cv-02492-JSR
<i>Picard v. Arthur Kepes Unified Credit Shelter Trust, et al.</i>	12-cv-02507-JSR
<i>Picard v. Irene Kepes Revocable Trust Restated UA dtd 5/22/00, et al.</i>	12-cv-02508-JSR
<i>Picard v. James Lowrey, et al.</i>	12-cv-02510-JSR
<i>Picard v. Chris Lazarides</i>	12-cv-02511-JSR
<i>Picard v. Stuart J. Rabin</i>	12-cv-02512-JSR
<i>Picard v. Morris Blum Living Trust, et al</i>	12-cv-02513-JSR
<i>Picard v. Albert D. Angel, et al.</i>	12-cv-02522-JSR
<i>Picard v. Katz Group Limited Partnership, et al.</i>	12-cv-02523-JSR
<i>Picard v. Estate of Syril Seiden, et al</i>	12-cv-02524-JSR
<i>Picard v. Trust 'A' U/W/G Hurwitz, et al.</i>	12-cv-02525-JSR
<i>Picard v. Allan R. Hurwitz, et al.</i>	12-cv-02526-JSR
<i>Picard v. Brandi Hurwitz, et al.</i>	12-cv-02527-JSR
<i>Picard v. The June Bonyor Revocable Trust Restated UA dtd 5/22/00, et al</i>	12-cv-02528-JSR
<i>Picard v. Ted Goldberg, et al.</i>	12-cv-02567-JSR
<i>Picard v. O.D.D. Investment, L.P., D.D.O., Inc., et al.</i>	12-cv-02568-JSR
<i>Picard v. Kenneth H. Landis</i>	12-cv-02569-JSR
<i>Picard v. Helene Juliette Feffer</i>	12-cv-02571-JSR



**EXHIBIT A**

<i>Picard v. Gloria Landis, et al.</i>	12-cv-02572-JSR
<i>Picard v. Frances Levey Revocable Living Trust, et al.</i>	12-cv-02573-JSR
<i>Picard v. Carole Kasbar Bulman</i>	12-cv-02574-JSR
<i>Picard v. Arlene F. Silna Altman</i>	12-cv-02575-JSR
<i>Picard v. Aaron D. Levey Revocable Living Trust, et al.</i> (Bankr. Dkt. No. 10-05441)	12-cv-02576-JSR
<i>Picard v. Aaron D. Levey Revocable Living Trust, et al.</i> (Bankr. Dkt. No. 10-04894)	12-cv-02577-JSR
<i>Picard v. Lehrer et al.</i> (moving party Elaine S. Stein and the Elaine Stein Revocable Trust)	12-cv-02578-JSR
<i>Picard v. Stein</i>	12-cv-02579-JSR
<i>Picard v. ABG Partners, et al.</i>	12-cv-02582-JSR
<i>Picard v. Andrew H. Cohen</i>	12-cv-02583-JSR
<i>Picard v. Hope W. Levene</i>	12-cv-02585-JSR
<i>Picard v. Freda Epstein Revocable Trust, et al.</i>	12-cv-02586-JSR
<i>Picard v. Weiner Investments, L.P., et al.</i>	12-cv-02617-JSR
<i>Picard v. Woodland Partners, L.P., et al.</i>	12-cv-02618-JSR
<i>Picard v. Estate of Ella N. Waxberg, et al.</i>	12-cv-02620-JSR
<i>Picard v. Stefanelli Investors Group, et al.</i> (Bankr. Dkt. No. 10-05255; Joan L. Apisa & Danielle L. D'Esposito – Moving Party)	12-cv-02621-JSR
<i>Picard v. Nine Thirty LL Investments, LLC, et al</i>	12-cv-02622-JSR
<i>Picard v. Doris Glantz Living Trust, et al</i>	12-cv-02637-JSR
<i>Picard v. Lakeview Hedging Fund, LP, et al.</i>	12-cv-02642-JSR
<i>Picard v. Samuel-David Associates, Ltd., et al.</i>	12-cv-02644-JSR
<i>Picard v. Joan Wachtler</i>	12-cv-02663-JSR
<i>Picard v. Sol Wachtler</i>	12-cv-02664-JSR
<i>Picard v. CEH Limited Partnership, et al</i>	12-cv-02713-JSR
<i>Picard v. PGC Limited Partnership, et al</i>	12-cv-02714-JSR
<i>Picard v. Peter G. Chernis Revocable Trust Dtd 1/16/87, as amended, et al.</i>	12-cv-02715-JSR
<i>Picard v. Marilyn Chernis Revocable Trust, et al</i>	12-cv-02716-JSR
<i>Picard v. Chernis Family Living Trust (2004)</i>	12-cv-02717-JSR
<i>Picard v. Robyn G. Chernis Irrevocable Trust u/d/t 7/4/93</i>	12-cv-02718-JSR
<i>Picard v. Ryan Eyges Trust Dtd 12/26/96, et al</i>	12-cv-02719-JSR
<i>Picard v. Samantha C. Eyges Trust U/A/D 4/19/02, et al.</i>	12-cv-02720-JSR
<i>Picard v. Evelyn Chernis Irrevocable Trust Agreement For Samantha Eyges Dtd October 6th 1986, et al</i>	12-cv-02721-JSR
<i>Picard v. Harmon Family Limited Partnership, et al</i>	12-cv-02722-JSR
<i>Picard v. Alfred B. Reischer Trust, et al</i>	12-cv-02723-JSR
<i>Picard v. Residuary Trust for Phyllis Reischer under the Amended &amp; Restated Indenture of Trust dated 8/8/01, et al</i>	12-cv-02724-JSR
<i>Picard v. Douglas Shapiro</i>	12-cv-02725-JSR
<i>Picard v. Magnus A. Unflat, et al</i>	12-cv-02726-JSR
<i>Picard v. G.R.A.M. Limited Partnership, et al</i>	12-cv-02727-JSR
<i>Picard v. Matthew R. Kornreich, et al.</i>	12-cv-02750-JSR
<i>Picard v. JD Partners LLC, et al.</i>	12-cv-02755-JSR
<i>Picard v. America Israel Cultural Foundation, Inc</i>	12-cv-02756-JSR
<i>Picard v. HSD Investments, L.P., et al</i>	12-cv-02757-JSR
<i>Picard v. Doris Glantz Living Trust, et al</i>	12-cv-02758-JSR
<i>Picard vs. RKD Investments, L.P., et al.</i>	12-cv-02759-JSR
<i>Picard v. Macher Family Partnership, et al.</i>	12-cv-02779-JSR
<i>Picard v. Stephen H. Stern</i>	12-cv-02780-JSR
<i>Picard v. Dahme Family Bypass Testamentary Trust Dated 10/27/76, et al</i>	12-cv-02781-JSR
<i>Picard v. The Lustig Family 1990 Trust, et al</i>	12-cv-02782-JSR



EXHIBIT A

<i>Picard v. David Ivan Lustig</i>	12-cv-02783-JSR
<i>Picard v. Liselotte J. Leeds Lifetime Trust</i>	12-cv-02784-JSR
<i>Picard v. Michael S. Leeds, et al.</i>	12-cv-02785-JSR
<i>Picard vs. The Leeds Partnership, et al.</i>	12-cv-02786-JSR
<i>Picard v. MAF Associates, LLC, et al.</i>	12-cv-02788-JSR
<i>Picard v. Lisa Liebmman Adams</i>	12-cv-02789-JSR
<i>Picard v. Estate of Ruth Schlesinger, et al</i> (Estate of Ruth Schlesinger and Marcia Schlesinger Roiff – Moving Parties)	12-cv-02790-JSR
<i>Picard v. 1998 William Gershen Revocable Trust, et al</i>	12-cv-02791-JSR
<i>Picard vs. Dawn Pascucci Barnard, et al.</i>	12-cv-02792-JSR
<i>Picard v. Herbert R. Goldenberg Revocable Trust, et al</i>	12-cv-02793-JSR
<i>Picard v. Dean L. Greenberg</i>	12-cv-02794-JSR
<i>Picard v. Estate of Samuel Robert Roitenberg, et al.</i>	12-cv-02795-JSR;
<i>Picard v. Sheldon Shaffer, et al.</i>	12-cv-02796-JSR
<i>Picard v. Sheldon Shaffer Trust Dtd 3/26/1996, et al.</i>	12-cv-02797-JSR
<i>Picard v. Sidney Ladin Revocable Trust Dated 12/30/96, et al.</i>	12-cv-02798-JSR
<i>Picard vs. Samuel Robinson</i>	12-cv-02799-JSR
<i>Picard v. Doris Glantz Living Trust, et al</i>	12-cv-02801-JSR
<i>Picard vs. The Estate of Doris Igoine, et al.</i>	12-cv-02872-JSR
<i>Picard vs. Burton R. Sax</i>	12-cv-02873-JSR
<i>Picard v. Sax-Bartels Associates, Limited Partnership</i>	12-cv-02874-JSR
<i>Picard vs. The 1995 Jack Parker Descendant Trust No. 1, et al.</i>	12-cv-02875-JSR
<i>Picard vs. JRAG, LLC, et al.</i>	12-cv-02876-JSR
<i>Picard v. The Article Fourth Non-Exempt Trust Created Under the Leo M. Klein Trust Dated June 14, 1989 as Amended and Restated, et al.</i>	12-cv-02879-JSR
<i>Picard v. Howard Kaye</i>	12-cv-02884-JSR
<i>Picard v. Mildred S. Poland, et al</i>	12-cv-02885-JSR
<i>Picard v. Bernard Gordon, et al.</i>	12-cv-02922-JSR
<i>Picard vs. George E. Nadler</i>	12-cv-02923-JSR
<i>Picard v. Janis Berman</i>	12-cv-02924-JSR
<i>Picard vs. Candice Nadler Revocable Trust DTD 10/18/01, et al.</i>	12-cv-02925-JSR
<i>Picard v. Paul L. Loeb Living Trust, et al</i>	12-cv-02926-JSR
<i>Picard vs. Scott Gottlieb, et al.</i>	12-cv-02931-JSR
<i>Picard v. PetcareRX, Inc.</i>	12-cv-02932-JSR
<i>Picard v. The Robert Auerbach Revocable Trust, et al.</i>	12-cv-02975-JSR
<i>Picard v. CRS Revocable Trust, et al.</i>	12-cv-02976-JSR
<i>Picard v. Robert S. Bernstein</i>	12-cv-02977-JSR
<i>Picard v. Gutmacher Enterprises, LP, et al</i>	12-cv-02978-JSR
<i>Picard v. The S. James Coppersmith Charitable Remainder Unitrust, et al.</i>	12-cv-02979-JSR
<i>Picard v. Radcliff Investments Limited, et al.</i>	12-cv-02982-JSR
<i>Picard v. Amy Joel</i>	12-cv-03100-JSR
<i>Picard v. Robert A. Luria, et al</i>	12-cv-03101-JSR
<i>Picard v. Amy J. Luria, et al.</i>	12-cv-03102-JSR
<i>Picard v. The Estate of Gladys C. Luria, et al.</i>	12-cv-03104-JSR
<i>Picard v. Patricia Samuels, et al.</i>	12-cv-03105-JSR
<i>Picard v. Sylvia Joel, et al.</i>	12-cv-03106-JSR
<i>Picard vs. The LDP Corp. Profit Sharing Plan and Trust, et al.</i>	12-cv-03107-JSR
<i>Picard v. Jeffrey Shankman</i>	12-cv-03108-JSR
<i>Picard v. Stanley Plesent</i>	12-cv-03403-JSR
<i>Picard v. Nathan Cohen Trust</i>	12-cv-2283-JSR
<i>Picard v. Martin Gettlinger, et al.</i>	12-cv-2285-JSR
<i>Picard v. Gettlinger Foundation</i>	12-cv-2287-JSR
<i>Picard v. Miscork Corp., et al.</i>	12-cv-2289-JSR



**EXHIBIT A**

<i>Picard v. Meyer Mutual Fund, et al.</i>	12-cv-2281-JSR
<i>Picard v. The Mittleman Family Foundation</i>	12-cv-2284-JSR
<i>Picard v. Empire Prospect, et al.</i>	12-cv-2282-JSR
<i>Picard v. Just Empire, LLC</i>	12-cv-2280-JSR
<i>Picard v. Marsy Mittlemann</i>	12-cv-2286-JSR
<i>Picard v. Audrey Koota, et al.</i>	12-cv-2154-JSR